

IOWA BOARD OF DENTAL EXAMINERS

JANUARY 18, 2007, MEETING MINUTES DES MOINES, IOWA

The open-session meeting of the Iowa Board of Dental Examiners was called to order at 10:05 a.m. on Thursday, January 18, 2007, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the Chairperson of the Board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson
Richard M. Reay, D.D.S., Vice-Chairperson
Debra L. Yossi, R.D.H., Secretary
Gary D. Roth, D.D.S.
Peter L. Vidal, D.D.S.
Alan D. Hathaway, D.D.S.
Eileen A. Cacioppo, R.D.H.
Elizabeth Brennan, Public Member

Also present: Constance L. Price, Executive Director
Christel Braness, Administrative Assistant
Phil T. McCollum, Investigator
Dee Ann Argo, Administrative Assistant
Theresa O'Connell Weeg, Assistant Attorney General
Jennifer Hart, Executive Officer
Janet Arjes, Executive Officer

PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MINUTES

Motion by Ms. Cacioppo, seconded Ms. Brennan, to approve the minutes of the October 24-25, 2006, Board meeting; October 25, 2006, hearing; November 30, 2006, teleconference meeting; and December 21, 2006, teleconference meeting of the board as written.

Vote: Unanimous.
Motion carried.

EXECUTIVE DIRECTOR REPORT

Ms. Price reported that the new governor, Governor Chet Culver and Lt. Governor Patty Judge, took office last Friday. The Governor has been naming new department heads in the past few days.

Ms. Price reported that Governor Culver held a "Building One Iowa Policy Forum" on January 4, 2007. It was an all day workshop focusing on the four major issues of education, health care, energy and property taxes. Ms. Price reported that she attended the day long forum on the issue of health care. The Governor had appointed a committee that was asked to comment or expand on his health care plan. The committee focused on wellness, access to care, stem cell research, insurance coverage, affordability, and quality care. At the end of the forum the emphasis was on prevention, consumer education and behavior, providing insurance coverage for children, and exploring ways to create an insurance buying pool for adults. Ms. Price reported that it appeared to her that we may see a greater acknowledgment of the importance of prevention in promoting good health and its role in lowering health care costs.

FISCAL YEAR 07

Ms. Price also discussed the fiscal report provided to the members of the board. The Iowa Board of Dental Examiners is halfway through the fiscal year and expenditures are on target with the budget. The board will be changing renewal dates of licenses and registrations in preparation for the new fiscal year. Beginning fiscal year 2008, the board will no longer receive an appropriation and must ensure that sufficient revenue is available to start the fiscal year and cover all expenditures. By moving the renewal date of licenses and registrations, the board will be able to plan expenditures accordingly.

ADEX

Ms. Price reported that the board was just notified that ADEX will hold a meeting on June 17, 2007. ADEX will cover the costs for one member dentist to attend. Ms. Price asked that board members advise her if they are interested in attending.

SENIOR DENTAL STUDENTS

Representatives from the Iowa Board of Dental Examiners will meet with the senior dental students at the University of Iowa College of Dentistry on March 21, 2007. Representatives from the Iowa Board of Dental Examiners will also meet with the junior dental students at the University of Iowa College of Dentistry on February 27, 2007.

Dr. Vidal, Ms. Yossi, and Ms. Cacioppo will attend the meeting on March 21, 2007. Ms. Yossi requested that a member of the staff also attend the meeting to answer any questions about the licensure process. A member of the staff is already scheduled for the February date.

ACCREDITATION SITE VISITS SCHEDULED

Ms. Price also advised the board members of upcoming accreditation visits scheduled in Iowa:

Marshalltown Community College
Dental Assisting Program
March 27-28, 2007

Iowa Western Community College, Council Bluffs
Dental Assisting and Dental Hygiene Programs
August 28-30, 2007

Des Moines Area Community College, Ankeny
Dental Assisting and Dental Hygiene Programs
October 3-5, 2007

Ms. Cacioppo has agreed to have her name submitted to participate in the scheduled site visits.

LOBBYIST

Motion by Ms. Yossi, seconded Dr. Roth, to appoint Ms. Price and Ms. Hart as lobbyists pursuant to Iowa Code Section 68B.36.(5).

Vote: Unanimous.
Motion carried.

VACANCIES ON NATIONAL BOARD TEST CONSTRUCTION COMMITTEE

Ms. Price reported that information had previously been forwarded to members of the board reporting eleven vacancies for appointment in 2008. Anyone interested should respond prior to January 22, 2007.

CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)

DENTAL STEERING COMMITTEE REPORT

Dr. Vidal and Dr. Reay will attend the Steering Committee scheduled in February 2007. Dr. Vidal stated that he will ask the Steering Committee to address some of the administrative concerns raised about score reporting, examination failures, and remedial education.

DENTAL EXAMINATION REVIEW COMMITTEE

No report.

DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

No report.

RECIPROCAL RECOGNITION OF DENTAL & DENTAL HYGIENE CLINICAL LICENSURE EXAMINATIONS

The Mississippi State Dental Board submitted a request to the Iowa Board of Dental Examiners to have its licensure examination, administered by the Council of Interstate Testing Agencies (CITA), recognized for reciprocal relations with the state of Iowa.

Motion by Dr. Roth, seconded Ms. Cacioppo, that the Iowa Board of Dental Examiners cannot evaluate the CITA exam and therefore is unable to enter into any individual agreements on a state by state basis for reciprocal relations. The board will continue to rely on the expertise of its testing agency, CRDTS, to determine if other clinical exams are equivalent.

Vote: Unanimous.
Motion carried.

ADA NATIONAL DENTAL EXAMINERS' ADVISORY FORUM
AMERICAN ASSOCIATION OF DENTAL EXAMINERS
AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS

Meetings of the AADE, AADA and ADA Advisory Forum will be held in Chicago, Illinois, on March 25-27, 2007.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to send Ms. Price and Dr. Roth to attend the meetings.

Vote: Unanimous.
Motion carried.

ANESTHESIA CREDENTIALS COMMITTEE

Dr. Roth reported that the Anesthesia Credentials Committee recommended that the board approve issuance of deep sedation/general anesthesia permits to Dr. Steven Evelhoch and Dr. Charles Ringgold.

Motion by Dr. Roth, seconded Ms. Yossi, to approve the issuance of the deep sedation/general anesthesia permits to Dr. Evelhoch and Dr. Ringgold.

Vote: Unanimous.
Motion carried.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Cacioppo provided an overview of the continuing education courses submitted to the committee for approval and committee recommendations concerning courses that were eligible for credit according to board rules.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to accept the committee's recommendations for board approval of continuing education courses.

Vote: Unanimous.
Motion carried.

Ms. Cacioppo reported that three organizations had applied for approved sponsor status with the Iowa Board of Dental Examiners. The applications were submitted by Professional Solutions Insurance, Creighton University Medical Center School of Dentistry, and the American Dental Institute.

Ms. Cacioppo recommended that the board approve sponsor status for Creighton University Medical Center School of Dentistry and the American Dental Institute.

Motion by Ms. Cacioppo, seconded Dr. Roth, to approve sponsor status for Creighton University Medical Center School of Dentistry and the American Dental Institute.

Vote: Unanimous.
Motion carried.

Ms. Cacioppo reported that after discussions with Professional Solutions Insurance she was recommending that the Iowa Board of Dental Examiners suggest that they submit other courses for review on a case by case basis. The Board will then again review their request for sponsor status once they have established a course history of approved topics.

Motion by Ms. Cacioppo, seconded Dr. Roth, to contact this proposed sponsor and ask that they submit courses for review on a case by case basis to establish a history of approved topics.

Vote: Unanimous.
Motion carried.

DENTAL HYGIENE COMMITTEE

Ms. Yossi reported that the committee met earlier this month. The committee discussed the issue of dental hygienists working in nursing facilities. The committee noted that there has been an ongoing exchange between the attorney for the Iowa Dental Association and board staff concerning a program that utilizes dental hygienists working under general supervision in nursing facilities. The attorney has suggested a number of legal concerns with that program. The committee felt that because of these concerns, it may be time to revisit the rules to allow dental hygienists to work under public health supervision in nursing facilities.

Initially when the public health supervision rules were adopted, nursing facilities were excluded from the list of public health settings because the board believed an alternative program was being developed by the IDA and Dental Advisory Council of the Iowa Department of Public Health to increase access to oral health care in nursing facilities. However, that program was never implemented. With the success of the public health supervision program in other settings, the committee discussed the need to expand the settings allowed to include nursing facilities. There is a large access to care problem for residents of nursing facilities. Allowing dental hygienists to work under the public health setting of a dentist in nursing facilities, would be one way to potentially increase access to oral health care for nursing facility patients.

Motion by Ms. Cacioppo, seconded Ms. Yossi to amend 650 IAC subrule 10.5(1) to add “nursing facilities” to the list of public health settings where dental hygienists can work under the public health supervision of a dentist.

Vote: Unanimous.
Motion carried.

The proposed amendment will be filed as a Notice of Intended Action. A public hearing will be scheduled and there will be an opportunity for written comment.

Ms. Yossi also reported that the committee had discussed proposed rules concerning dental hygiene remedial education. These rules will be discussed later in the meeting. The Dental Hygiene Committee recommended approval for the proposed rule changes affecting dental hygienists.

Ms. Yossi reported that the committee also recommended approval of the course in local anesthesia and nitrous oxide inhalation analgesia that is offered by Iowa Central Community College to their dental hygiene students.

DENTAL ASSISTANT COMMITTEE

Dr. Reay reported that the Dental Assistant Committee held a teleconference meeting on November 4, 2006. The committee sent a survey to interested parties concerning the list of allowable expanded function duties for dental assistants in Iowa. The committee will meet later this year to review the survey responses and determine if changes should be made to the list of expanded functions.

EXPANDED FUNCTION COURSE APPROVAL

Dr. Merritt Jones submitted an expanded function course on placement and removal of gingival retraction for approval by the board. The committee recommends that the board approve the course.

Motion by Dr. Reay, seconded Ms. Yossi, to approve the course as proposed.

Vote: Unanimous.
Motion carried.

CONSIDERATION OF RULES

IOWA ADMINISTRATIVE CODE 650 CHAPTER 25, CONTINUING EDUCATION

Ms. Hart reported that the amendment allows licensees or registrants to obtain continuing education credit for courses in Iowa jurisprudence. Notice of Intended Action was published in the Iowa Administrative Bulletin on September 27, 2006, as **ARC 5405B**. A public hearing on the amendment was held on October 17, 2006. One written comment was received. In response to that comment, minor changes to the amendments published under Notice were made. Paragraph "b" in subrule 25.3(7) now lists only those courses that are acceptable for continuing

education credit and a new paragraph “c” was created to list courses that are unacceptable for continuing education credit. The list of unacceptable courses has not changed.

Motion by Ms. Yossi, seconded Dr. Roth, to adopt and file the proposed amendments as drafted.

Vote: Unanimous.
Motion Carried.

IOWA ADMINISTRATIVE CODE 650
CHAPTER 29, DEEP SEDATION/GENERAL ANESTHESIA, CONSCIOUS SEDATION
AND NITROUS OXIDE INHALATION ANALGESIA

These amendments clarify training, facility, and equipment requirements for applicants for deep sedation/general anesthesia and conscious sedation permits. The amendments also increase the amount that the board may recoup for the cost of an on-site evaluation of the facility where sedation services are provided. Only actual costs will be assessed, up to a maximum of \$500.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 27, 2006, as **ARC 5406B**. A public hearing on the amendment was held on October 17, 2006. The public comment period was extended through December 2006. Five written comments were received. One comment sought to clarify if the amendments affected the practice of CRNAs. The board does not believe the amendments impact CRNAs. Three comments suggested the board reconsider Item 4 of the Notice, which proposed restricting the use of conscious sedation in pediatric and medically compromised patients unless the permit holder had completed an accredited residency program.

The board noted that the American Dental Association is currently proposing revisions to its guidelines on teaching the use of conscious sedation. In light of those proposed revisions, the board may want to wait to adopt any policy changes to the rules until the new ADA guidelines have been adopted. The drafted Adopted and Filed rules by the board had proposed adding a definition of medically compromised patients. This definition will not be needed if the board removes Item 4 of the Noticed rules.

Motion by Dr. Roth, seconded Dr. Vidal, to adopt and file the proposed rule changes, with the exception of item 4 in the Noticed rules and the proposed definition of medically compromised patients.

Vote: Unanimous.
Motion carried.

The board asked that the Anesthesia Credentials Committee monitor the proposed changes in ADA guidelines and further study the impact of restricting the use of conscious sedation in pediatric and medically compromised patients.

IOWA ADMINISTRATIVE CODE 650

CHAPTER 1, ADMINISTRATION
CHAPTER 11, DENTAL & DENTAL HYGIENE LICENSURE
CHAPTER 13, SPECIAL LICENSES
CHAPTER 14, RENEWAL
CHAPTER 15, FEES
CHAPTER 20, DENTAL ASSISTANTS
CHAPTER 22, DENTAL ASSISTANT RADIOGRAPHY QUALIFICATION
CHAPTER 25, CONTINUING EDUCATION
CHAPTER 27, STANDARDS OF PRACTICE & PRINCIPLES OF PROFESSIONAL ETHICS
CHAPTER 28, DESIGNATION OF SPECIALTY
CHAPTER 29, SEDATION AND NITROUS OXIDE INHALATION ANALGESIA
CHAPTER 35, IOWA PRACTITIONER REVIEW COMMITTEE

Item 1 clarifies that a person with a lapsed license, permit, or registration continues to hold the privilege of licensure, but may not practice until the license, permit, or registration is reinstated. Item 2 eliminates a provision that requires an applicant for dental hygiene licensure by credentials to establish that the state from which the applicant comes also grants licensure by credentials to Iowa applicants. A similar provision for dentists was eliminated several years ago.

Items 3, 6, 7, 10, 12, 13, 17, and 18 change the renewal term of licenses, registrations, and permits. Previously, licenses, permits, and registrations expired at the end of June. Licenses, permits, or registrations will now expire on August 31. All licenses, permits, and registrations will be granted an automatic two-month extension. The late renewal period and continuing education compliance period have also been changed accordingly. The change in the renewal term will allow the board to receive revenue at the beginning of the fiscal year and then plan expenditures accordingly. In accordance with 2006 Iowa Acts, House File 2748, the board will no longer receive an appropriation and must ensure sufficient revenue is available to cover expenditures.

Item 4 specifies the application requirements for faculty permit holders. Item 5 requires applicants for a temporary permit to have at least three years of active practice in another state. This will ensure that applicants have a positive practice history prior to providing services in Iowa.

Item 8 clarifies the fee required for reinstatement of a lapsed license or registration. Item 9 establishes the license, permit, and renewal fees. The fees remain the same. Item 10 strikes “78GA,ch1002” from the parenthetical implementation statute for rules 650—20.1(153,78GA,ch1002) to 650—20.12(153,78GA,ch1002) and eliminates a typographical error that refers to dental radiography as an extraoral service. Item 11 clarifies that a dental assistant may provide dental radiography with the direct supervision of a dentist.

Item 14 sets a maximum number of hours required for reinstatement of an inactive practitioner. The number of hours is consistent with the maximum number of hours required to reinstate a lapsed license. Item 15 corrects an Iowa Code reference that has changed. Item 16 corrects the definition of the prosthodontics dental specialty.

Item 19 clarifies that the Iowa Practitioner Review Committee (IPRC) may disclose a practitioner's participation in the program if the practitioner is referred to the board for noncompliance. In addition, Item 19 allows the board to refer a practitioner who is the subject of a board order to the IPRC for monitoring by the IPRC.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 22, 2006, as **ARC 5568B**. A public hearing on the amendment was held on December 12, 2006. One written comment was received. The IDA did not support the change in Item 5, regarding temporary permits. However, the board discussed that this provision is necessary to ensure that practitioners who are not qualified for licensure are not allowed to obtain temporary permits.

The IDA was also not supportive of the changes in Item 10 and 11. The IDA stated that some dentists currently exercise general supervision (meaning the dentist is not present) of dental assistants providing dental radiology services. However, the board discussed that the amendments in Items 10 and 11 merely correct a typo that references dental radiology as an extraoral service. The board training manual clearly states that dental assistants must have direct supervision for dental radiography.

The proposed amendments are identical to those published under Notice.

Motion by Ms. Cacioppo, seconded Dr. Roth, to adopt and file the proposed rule changes.

Vote: Unanimous
Motion carried.

650 IOWA ADMINISTRATIVE CODE 30.4(14)

The board discussed a proposed revision to 650 IAC 30.4, paragraph 14. The current rule applies to a dental hygienist using a patient recall list. The current rule is very narrow and appears to be aimed at protecting a dentist's business interests. The board would like to expand the rule to apply to all licensees and registrants and be more broadly applied to protect the confidentiality of patient information. The board discussed a proposed redraft of the current rule. The board discussed the need to continue further rewriting the rule. Staff will bring a new draft of the rule to the next board meeting.

IOWA ADMINISTRATIVE CODE 650 CHAPTER 14, RENEWAL

The board reviewed a draft Notice of Intended Action to 650 IAC Chapter 14, which would place a cap on the maximum amount past due fees charged to reinstate a lapsed license or registration. The board also reviewed a draft fiscal impact statement on the proposed change. It was noted that when the medical board implemented a similar policy change a few years ago, they saw a dramatic reduction in revenue and subsequently had to raise fees for all active

licensees. With the change in the board's budget this year, the board discussed that it may be prudent to wait to make any changes that would impact revenue.

Motion by Dr. Roth, seconded Ms. Yossi, to not move forward with the proposed rule change.

Vote: Unanimous.
Motion carried.

IOWA ADMINISTRATIVE CODE 650 CHAPTER 12, DENTAL AND DENTAL HYGIENE EXAMINATIONS

These proposed amendments clarify how examination failures will be counted for dental and dental hygiene examinees. The amendments also specify the requirements for dental and dental hygiene examinees to obtain remedial education following examination failures. For the purposes of counting examination failures, the amendments state that the board shall utilize the policies adopted by CRDTS. Examinees only need to retake the parts of the examination in which they did not pass. However, examinees must also complete the examination within the time frame specified by CRDTS or they will be required to retake the entire examination.

Motion by Ms. Cacioppo, seconded Dr. Roth, to file Notice of Intended Action on the proposed rule changes as drafted. A public hearing will be schedule and there will be an opportunity for written comment.

Vote: Unanimous.
Motion carried.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

APPROVAL OF APPLICATIONS

The board was provided a list of the applications for licensure, permit, and registration that have been processed since the last meeting.

Between October 24, 2006, and January 18, 2007, the board licensed 4 dentists and 7 dental hygienists; the board issued 2 resident dental permits, 2 faculty permits, and 8 local anesthesia permits. The board registered 39 dental assistants with the additional qualification in dental radiography and 6 registered without qualification; the board issued 2 qualifications in dental radiography without registration, and trainee status to 40 dental assistants.

Motion by Ms. Cacioppo, seconded Dr. Roth, to approve issuance of licensure, permits, and registrations to those persons listed.

Vote: Unanimous
Motion carried.

WAIVER REQUESTS

The board received a request for waiver of the licensure rules pertaining to foreign dental graduates from Dr. Shirirang Mahajan. Dr. Mahajan is a graduate of a dental school in India. He completed a two-year research-oriented masters program at SUNY at their Buffalo School of Dentistry. He passed the national boards and WREB exam in 2004. Dr. Mahajan was licensed in Minnesota and has been practicing there since 2004. Dr. Mahajan is seeking licensure to work in the satellite practice of Dr. Johnson in Sibley, Iowa.

The board discussed the importance of being consistent with their rules to either require two years of undergraduate education at an accredited dental school or accept a minimum of two years of postgraduate training in general practice or some combination of general practice and pediatrics residencies. The board felt that Dr. Mahajan's training and education were not substantially similar to what they have accepted in the past.

Motion by Ms. Yossi, seconded Dr. Reay, to deny the waiver request.

Vote: Unanimous
Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MEETING WITH IDA TRUSTEES JANUARY 19, 2007

Dr. Kuempel stated that she had been invited to meet with the trustees of the Iowa Dental Association on Friday, January 19, 2007. Dr. Roth and Ms. Price will also attend the meeting to discuss ways to increase communication between the board and IDA.

The board adjourned the open session of its meeting at 11:55 a.m., January 18, 2007.

CLOSED SESSION

Motion by Dr. Roth, seconded Ms. Yossi, for the board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Ms. Yossi, aye; Ms. Cacioppo, aye; Dr. Reay, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Vidal, aye; Dr. Hathaway, aye; Ms. Brennan, aye.
Motion carried.

Motion by Ms. Yossi, seconded Dr. Roth, for the board to return to open session.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
MICHAEL P. MCCORMACK, D.D.S.

Motion by Dr. Roth, seconded Ms. Yossi, to continue the hearing in this matter set for January 18, 2007, until further Order of the board with the understanding that settlement negotiations are ongoing.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
ANNA L. HARDY, R.D.A.

Motion by Dr. Roth, seconded Ms. Yossi, to continue the hearing in this matter set for January 18, 2007, until further Order of the board with the understanding that settlement negotiations are ongoing.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
ANDRE' Q. BELL, D.D.S.

Motion by Dr. Roth, seconded Ms. Yossi, that the board reschedule the hearing in this matter for April 17, 2007, at 1:00 p.m.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
DENNIS K. LANGWITH, D.D.S.

Board considered a proposed combined Notice of Hearing, Settlement Agreement and Final Order in this matter.

Motion by Dr. Roth, seconded Ms. Yossi, to accept the combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
TERRENCE C. MONSON, D.D.S.

Board considered a proposed combined Notice of Hearing, Settlement Agreement and Final Order in this matter.

Motion by Ms. Cacioppo, seconded Ms. Brennan, to accept the combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.
Motion carried.

NEXT MEETING OF THE BOARD

The next meeting of the board is scheduled for April 17-18, 2007, in Des Moines, Iowa.

ADJOURNMENT

The board adjourned its meeting at 4:00 p.m. on January 18, 2007.

Respectfully submitted,

CONSTANCE L. PRICE
Executive Director

CLP/cb